

PATENT
Client/Matter No. 58244-5

REMARKS/ARGUMENTS

I. Preliminary Remarks

The Advisory Action rejected claims 6, 7, and 9-17 under 35 USC 102(e) as being anticipated by Fung et. Al., Pub. No. 2005/0131815; and claim 8 has been rejected as being obvious in view of Fung in combination with Gangi, US patent no. 6,938,821. The Applicant respectfully traverses the rejections.

II. Present Invention

The current invention focuses: on (a) ability to package the same credit card information or electronic payment information and submit them to different intermediary financial institutions (payment processors) for credit card payment processing and other electronic payment processing; (b) a common standard programming interface so that different application software can easily connect to different intermediary financial institutions for credit card payment processing and other electronic payment processing.

The benefit of current invention is that a customer (merchant) using a platform created with the method under this invention, can shop around the best service rates from different financial institutions for their electronic payment needs. Fung is directed to managing a user online financial transaction at a destination ecommerce web site using a credit card or debit card account of the user. Fung's invention focuses on: (a) transmitting an activation command to a financial institution processing financial transaction for activating the credit/debit cards; (b) submitting a charge request for the credit/debit card account to the financial institution via a destination e-commerce; and (c) transmitting a de-activation command to said financial institution.

III. Pending claims are allowable over the Prior Art

The preambles of independent claims 6, 15, 16, and 17 clearly define the term "payment processor" as a system that interface merchant's credit card processing system with credit card issuing bank's transaction systems. In other words, "payment processor" as defined in the applicant's claims are not different types of credit cards such as Visa, Mastercard etc. In reference to Figure 9 and paragraph 86 of Fung, element 814 and 816 shows a traditional credit card processing steps where a

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credit card reader at the retail store 812 communicates with a third party credit card reader processor 814 to submit the charges to the appropriate credit card network 816 (e.g. Visa, Mastercard, etc.).

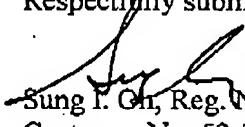
Using Figure 9 as a traditional example of processing a credit card transaction, the third party credit card reader 814 is able to process credit card transaction for a variety of different credit cards such as Visa and Mastercard; however, Fung does not teach or suggest the merchant or Retail store being able to select for a different third party credit card processors 814. In other words, once the merchant or the retail store 812 sets up a third party credit card processor 814 that same processor 814 is used for every credit card transaction. As such, the merchant or the retailer is not given an option to choose a different third party credit card processor ("payment processor") 814 to process a credit card transaction that might offer a lower fee to process the same credit card transaction. As noted in Paragraph 7 of the applicant's specification, merchants have many payment processors from which to choose from to process their credit card transactions such as Verisign, Paymentech, Tranvia, and Nova depending on the fee that the payment processor charges to get the best rate possible. In this regard, each of the independent claims have been amended to recite, in part, "allowing a merchant to determine a desired payment processor to be used based on a fee that the desired payment processor charges from the plurality of payment processors for a credit card transaction."

For the above reasons, it is respectfully submitted that the above cited references do not teach or suggest claims 6-17, and therefore are in condition for allowance.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicant's undersigned representative at (626) 332-7262 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-3578. Should such additional fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefore.

Respectfully submitted,


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